IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2102 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10/09/2004 in WP NO : 9461 OF 2004 on the file of the High Court.)

Between:

Smt. K. Prasuna Rao W/o late Shobandri Rao
R/o 37-90, Plot No. 598, Defence Colony, Malkajgiri, Ranga Reddy District

..... APPELLANT

AND

1 P. Krishna S/o Late P. Varadaiah
Shop at D. NO. 37-90/1, P. No. 599, Defence Colony, Neredmet X

Roads, Malkajgiri Municipality, RR District
2 The Municipal Commissioner, Malkajgiri Municipality, Ranga Reddy

District.
3 Smt. Y. Nagaratnamma W/o Y. Subba Rao 12-2-37/17, Sriramanagar

Colony, Mehdipatnam, Hyderabad

4 Smt. Y. Mamata W/o Y. Krishnababu 12-2-37/17, Sriramngar Colony,

Medhipatnam, Hyderabad.

(Respondents 3 and 4 are not necessary in this Writ Appeal)

.....RESPONDENT(S)

Counsel for the Appellant:MR.C.V.MOHAN REDDY

Counsel for the Respondent No.1: MR.R.TIMMA REDDY
Counsel for the Respondent No.2: Mr.Polisetti Radhakrishna
Counsel for the Respondent Nos.3 and 4: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Heard.

The first respondent filed writ petition questioning the proceedings dated 26th April, 2004 of the Municipal Commissioner, Malkajgiri Municipality and consequently sought direction not to demolish the premises in which writ petitioner was stated to be carrying on business. Interim direction was issued. Appellant is the second respondent in the writ petition and applied for vacation. Instead of vacating the interim order, learned single Judge passed an order which is now impugned in the appeal thereby granting liberty to the writ petitioner to approach the Municipality for renewal of trade licence. Such an interim order passed is beyond the scope of the interim application filed by the writ petitioner as well as of the vacate petitioner-appellant. As a matter of fact, there was no question of even vacating the interim order. Otherwise, allowing such an application would make the entire writ petition itself infructuous.

In the facts and circumstances, learned single Judge ought to have continued the interim order granted in favour of the writ petitioner with direction to take up the writ petition at an early date.

Consequently, we allow the appeal, set aside the impugned order and direct that interim order passed on 1-6-2004 shall continue to remain in operation till the decision of the writ petition. Writ Petition is directed to be taken up for hearing at

Serial No.1 subject to part heard on **28th Feburary, 2005**.

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DEVINDER GUPTA, CJ

30-12-2004

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M.NARAYANA REDDY, J

tvr

To

1. The Municipal Commissioner, Malkajgiri Municipality, Ranga Reddy

District.

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